

UNITED STATES DISTRICT COURT
for the
EASTERN DISTRICT OF NORTH CAROLINA

U.S.A. vs. Robert Edward Whiteside

Docket No. 5:15-CR-126-1D

Petition for Action on Supervised Release

COMES NOW Timothy L. Gupton, Senior U.S. Probation Officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Robert Edward Whiteside, who, upon an earlier plea of guilty to Interstate Domestic Violence and Structuring Monetary Transactions to Avoid Reporting Requirement, was sentenced by the Honorable James C. Dever III, U.S. District Judge, on June 10, 2016, to the custody of the Bureau of Prisons for a term of 120 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for a period of 36 months.

Robert Edward Whiteside was released from custody on January 19, 2022, at which time the term of supervised release commenced. On March 28, 2022, a Petition for Action was filed to modify the defendant's monthly restitution payments.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

In February 2022, Whiteside submitted to a psycho-sexual evaluation at Integrated Behavioral Health Services in Raleigh, North Carolina. Based on the clinical assessment, the sex offender therapist opined the defendant presents a low risk to reoffend, presents a low risk to the community, and has a high motivation to continue his path to improvement. The therapist also opined the defendant did not meet the criteria as a "sex offender," and no sex offender treatment or other sex offender conditions were recommended. Furthermore, on June 3, 2022, in the Wake County Superior Court in Raleigh, North Carolina, Superior Court Judge Robert W. Holt found as a fact and conclusion of law that Whiteside's federal conviction is not substantially similar to a North Carolina reportable conviction and the defendant is not required to register with the North Carolina Sex Offender Registry. Based on these findings by the sex offender counselor and the state court, the probation office recommends that conditions related to sex offender treatment, sex offender registration, and other sex offender conditions be removed from the Judgment.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified to remove the following conditions:

1. The defendant shall participate in a sex offender treatment program as directed by the U.S. Probation Officer, and the defendant shall comply with and abide by all the rules, requirements, and conditions of the treatment program until discharged. The defendant shall take medication as prescribed by the treatment provider.
2. At the direction of the U.S. Probation Officer, the defendant shall submit to physiological testing, which may include, but is not limited to, polygraph examinations or other tests to monitor the defendant's compliance with probation or supervised release and treatment conditions.
3. The defendant shall comply with the requirements of the Sex Offender Registration and Notification Act (42 U.S.C. § 16901, et seq.), as directed by the U.S. Probation Officer, the Bureau of Prisons, or any state or tribal government sex offender registration agency in a state where the defendant resides works, or is a student, or was convicted of a qualifying crime.

4. At the direction of the U.S. Probation Officer, the defendant shall consent to the installation of systems or software that will allow the probation officer or designee to monitor computer use on any computer that the defendant owns or is authorized to use. The defendant shall pay the costs of this monitoring.
5. The defendant shall not use, possess, or control any computer-based counter forensic tools. The defendant shall not use or have installed any programs specifically and solely designed to encrypt data, files, folders, or volumes of any media. The defendant shall, upon request, immediately provide the U.S. Probation Officer with any and all passwords required to access data compressed or encrypted for storage by any software.

Except as herein modified, the judgment shall remain in full force and effect.

I declare under penalty of perjury that the foregoing
is true and correct.

/s/ Timothy L. Gupton
Timothy L. Gupton
Senior U.S. Probation Officer
310 New Bern Avenue, Room 610
Raleigh, NC 27601-1441
Phone: 919-861-8686
Executed On: June 7, 2022

ORDER OF THE COURT

Considered and ordered this 8 day of June, 2022, and ordered filed and
made a part of the records in the above case.

James C. Dever III
James C. Dever III
U.S. District Judge